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STATE OF WISCONSIN,	)	
	)	
Plaintiff,	)	Case No.: 04-CV-1709
	)	
v.	)	
	)	
ABBOTT LABORATORIES, et. al.,	)	
	)	
Defendants.	)	
	)	

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**BRISTOL-MYERS SQUIBB COMPANY’S RESPONSES AND OBJECTIONS TO  
PLAINTIFF’S FIFTH SET OF INTERROGATORIES TO ALL DEFENDANTS**

Pursuant to Wis. Stat. §§ 804.01 and 804.08, defendant Bristol-Myers Squibb Company (“BMS”), by its attorneys, responds and objects to Plaintiff’s Fifth Set of Interrogatories to All Defendants (“Interrogatory No. 13”) as follows:

**PRELIMINARY STATEMENT**

1. The responses and objections to Interrogatory No. 13 are made solely for the purposes of this action. BMS’ responses are subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections that may be applicable at a trial or other hearing or proceeding, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

- 2. BMS’ responses and objections shall not be deemed to constitute admissions:
  - a. that any particular document or thing exists, is relevant, non-privileged, or admissible in evidence; or
  - b. that any statement or characterization in Interrogatory No. 13 is accurate or complete.

3. BMS’ responses are made based upon the usual interpretation of words contained in Interrogatory No. 13 since no definitions or instructions have been provided.

**RESPONSE TO INTERROGATORY NO. 13**

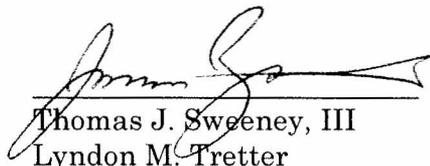
**INTERROGATORY NO. 13:** For each calendar year from 1993 to the present, identify the following:

- (a) the gross annual sales of your drugs in the United States; and
- (b) the percentage of the gross annual sales of your drugs in the United States that is attributable to Medicaid patients, *i.e.*, that results from sales to (or stated differently, reimbursement by) state Medicaid programs.

**RESPONSE:** BMS objects to Interrogatory No. 13 on the grounds that it is overly broad, unduly burdensome, and the phrases “gross annual sales” and “attributable to Medicaid patients” are vague and ambiguous. Without limitation of the foregoing objection, BMS states that it is not possible for BMS to discern which of its sales may relate to drugs dispensed to Medicaid patients and/or reimbursed by a state Medicaid program. BMS also objects to Interrogatory No. 13 on the grounds that it seeks information that is not relevant to the issues in this action and not reasonably calculated to lead to the discovery of admissible evidence, such as: (1) information for BMS products not at issue in this case; (2) information for products purchased outside Wisconsin; (3) information for products not reimbursed by Wisconsin Medicaid; and (4) information for periods after the filing of the initial complaint in this action. BMS further objects to Interrogatory No. 13 to the extent it seeks information that is a matter of public record, is equally available to Plaintiff, or is already in the possession of Plaintiff. BMS also objects to Interrogatory No. 13 to the extent it seeks to expand upon or alter BMS’ obligations under the Wisconsin statutes.

Notwithstanding these objections and without waiving them, BMS responds that it has already produced data from which the answer to part of Interrogatory No. 13 may be obtained and that upon the parties’ agreement regarding the BMS NDCs at issue, it will produce additional data as may be appropriate.

December 10, 2007



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**Certificate of Service**

I certify that on December 10, 2007 a true and correct copy of the foregoing was served on all counsel of record by Lexis Nexis File & Serve®.